

6128. Adulteration and misbranding of vinegar. U. S. * * * v. 5 Barrels of Vinegar. Product ordered released upon payment of costs.
(F. & D. No. 7230. I. S. No. 12416-I. S. No. C-451.)

On February 19, 1916, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, remaining unsold in the original unbroken packages at Brooklyn, Wis., alleging that the article had been shipped on or about October 27, 1915, by Barrett & Barrett, a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of distilled vinegar or diluted acetic acid and a foreign substance mixed with it so as to reduce and injuriously affect its quality and strength.

It was alleged in substance that the article was misbranded for the reason that it was labeled "Barrett & Barrett, Chicago Cider Vinegar Always Good Reduced to 4½% Acetic Strength," whereas it was not a cider vinegar, but was a mixture of acetic acid or distilled vinegar and a product containing foreign matter, prepared in imitation of cider vinegar, and the statements borne on the label, regarding the ingredients and substances contained therein, were false and misleading.

On January 21, 1918, the court having read the petition of Barrett & Barrett, claimant, and reposing confidence in the representations of the petitioners to the effect that they would not unlawfully sell, offer for sale, or otherwise dispose of the vinegar, but would properly mark and lawfully brand the same in case of sale and shipment, and on the further agreement to pay all storage and other charges, together with the costs of the proceedings, and that the said petitioners would abide by any further orders of the court relative to the matter, it was ordered by the court that the vinegar should be delivered to said claimant and that the libel should be dismissed.

R. A. PEARSON, *Acting Secretary of Agriculture.*